

MINUTES

MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON BUSINESS AND LABOR

Call to Order: By **CHAIRMAN MIKE TAYLOR**, on March 1, 2001 at 8:00 A.M., in Room 422 Capitol.

ROLL CALL

Members Present:

Sen. Mike Taylor, Chairman (R)
Sen. Mike Sprague, Vice Chairman (R)
Sen. Edward Butcher (R)
Sen. Vicki Cocchiarella (D)
Sen. Sam Kitzenberg (R)
Sen. Dale Mahlum (R)
Sen. Glenn Roush (D)

Members Excused: Sen. Dale Berry (R)
Sen. Don Ryan (D)

Members Excused: None.

Members Absent: None.

Staff Present: Bart Campbell, Legislative Branch
Kyanne Kelly, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 95, 3/2/2001; HB 234,
3/2/2001; HB 120, 3/2/2001
Executive Action: HB 234; HB 138

HEARING ON HB 95

Sponsor: REPRESENTATIVE GARY MATTHEWS, HD 4, MILES CITY

Proponents: Jack Kane, Department of Commerce
Steve Pilcher, Montana Stock Growers
John Semple, Montana Cattlewomen

Opponents: Bill Stevens, Montana Food Distributors
Brad Griffen, Montana Retail Association
Charles Brooks, Billings Chamber of Commerce

Opening Statement by Sponsor:

{Tape : 1; Side : A; Approx. Time Counter : 0.8}

REPRESENTATIVE GARY MATTHEWS, HD 4, MILES CITY, said if this bill passes the license fees for scales would be determined by administrative rule and would change commensurate with cost.

Proponents' Testimony:

Jack Kane, Department of Commerce, said that fees for pumps and meters have always been set by administrative rule, and this bill would make that true for scales also.

Steve Pilcher, Montana Stock Growers, said this bill would make sure that agricultural scales are certified and that would be of great benefit to stock growers in their ability to sell their product.

John Semple, Montana Cattlewomen, said he supports this bill.

Opponents' Testimony:

Bill Stevens, Montana Food Distributors, said he opposes the bill on two points. He didn't want it put into administrative rule and he wanted to wait another two years to raise the fees.

Brad Griffen, Montana Retail Association, said he opposes giving the department rule making ability because they will then set the fees higher and higher.

Charles Brooks, Billings Chamber of Commerce, said the legislature should set the fees, not have it be in rule.

Questions from Committee Members and Responses:

SENATOR SPRAGUE asked if it involves scales in the grocery stores also.

Jack Kane said it involves all scales.

SENATOR SPRAGUE asked if it involves scales in a restaurant in the back where they measure flour.

Jack Kane said no, it only involves scales that are at point of sales.

SENATOR BUTCHER asked if they would need more people to check the scales with this bill.

Jack Kane said no.

SENATOR SPRAGUE asked about the letter shops who are not now paying for having their scales checked but according to this bill would have to get licensed and have to pay for the inspection.

Jack Kane said that all those scales are already required to be checked by statute, if they haven't been checked, it only means the department did not know they were there.

CHAIRMAN MIKE TAYLOR asked about leaving the fee in code rather than putting it into rule.

REPRESENTATIVE MATTHEWS said he had no problem with that.

CHAIRMAN TAYLOR asked about amending the bill to include only scales under 10 pounds.

REPRESENTATIVE MATTHEWS said he didn't have a problem with it, but the real problem is that the department is going to go broke if the fees are not increased.

SENATOR BUTCHER said the agriculture people want their scales certified, but the little scales are not so interested in being certified.

Closing by Sponsor:

{Tape : 1; Side : B; Approx. Time Counter : 8.1}

REPRESENTATIVE GARY MATTHEWS, HD 4, MILES CITY, said that by statute they have 21,000 scales to measure each year. He said

that the main reason for this bill is to keep the agricultural scales certified.

HEARING ON HB 234

Sponsor: REPRESENTATIVE BOB LAWSON, HD 80, WHITEFISH

Proponents: Janet Doggett, Secretary of State's Chief Counsel
Joe Mazurek, Representing himself
Tony Herbert, Department of Administration
Amy Grmoljed, Verizon Wireless
Nancy Butler, State Fund
Jeanne Bauman, Credit Unions League
Peggy Trenk, Association of Realtors

Opponents: None

Opening Statement by Sponsor:

{Tape : 1; Side : B; Approx. Time Counter : 11}

REPRESENTATIVE BOB LAWSON, HD 80, WHITEFISH, said the purpose of this bill is to make sure that transactions in the electronic marketplace are as enforceable as transactions made on paper.

Proponents' Testimony:

Janet Doggett, Secretary of State's Chief Counsel, said this would provide consistency and uniformity in electronic transactions. **EXHIBIT (bus47a01)**

Joe Mazurek, Representing himself, gave a hand out of what other states have done in regard to this action. **EXHIBIT (bus47a02)**
EXHIBIT (bus47a03)

Tony Herbert, Department of Administration, said state agencies are doing more and more work electronically.

Amie Grmoljed, Verizon Wireless, said this would encourage commerce in Montana. She handed in her written testimony.
EXHIBIT (bus47a04)

Nancy Butler, State Fund, said she supports this bill.

Jeanne Bauman, Credit Unions League, said she supports this bill.

Peggy Trenk, Association of Realtors, said she supports this bill.

Opponents' Testimony: None

Questions from Committee Members and Responses:

SENATOR MIKE SPRAGUE asked if this bill would help it be possible to register vehicles electronically.

Joe Mazurek said yes.

Closing by Sponsor:

{Tape : 2; Side : A; Approx. Time Counter : 0.1}

REPRESENTATIVE BOB LAWSON, HD 80, WHITEFISH, said this bill would be limited to people who agree to conduct business electronically. He also pointed out that this act is a uniform law which would bring Montana into harmony with federal legislation.

HEARING ON HB 120

Sponsor: **REPRESENTATIVE JOE MCKENNY, HD 49, GREAT FALLS**

Proponents:

- Steve Meloy, Department of Commerce
- Tim Moore, State Board of Real Estate Appraisers
- Lewis Smith, Board of Nursing
- Sami Butler, Montana Nurses Association
- Peggy Trenk, Montana Association of Realtors
- Jani McCall, Montana County Attorneys Association
- Kristi Blazer, Representing herself
- Jack Wells, Senator from Bozeman
- Dr. George Olson, Montana State Dental Board
- Lewis Smith, Board of Dentistry
- Sheldon Ivers, Board of Dentistry

Opponents:

- Lee Wiser, Representing himself
- Jonathan Mott, Representing himself

Opening Statement by Sponsor:

{Tape : 2; Side : A; Approx. Time Counter : 3.3}

REPRESENTATIVE JOE MCKENNY, HD 49, GREAT FALLS, said this is a housekeeping bill requested by the Department of Commerce, Professional and Occupational Licensing Division.

Proponents' Testimony:

Steve Meloy, Department of Commerce, gave a hand out which explained in detail the proposed changes to each section.

EXHIBIT (bus47a05)

Tim Moore, State Board of Real Estate Appraisers, said he supports the bill as amended, especially the parts relating to the Board of Real Estate.

Lewis Smith, Board of Nursing, gave a copy of his written testimony as well as a copy of amendments he proposed to the bill. **EXHIBIT (bus47a06) EXHIBIT (bus47a07)**

Sami Butler, Montana Nurses Association, said she supports the bill and also supports the amendments proposed by the Board of Nursing.

Peggy Trenk, Montana Association of Realtors, said she supports the bill.

Jani McCall, Montana County Attorneys Association, said she supports this bill. She handed in written testimony from the clients she represented. **EXHIBIT (bus47a08) EXHIBIT (bus47a09)**

Kristi Blazer, Representing herself, handed in written testimony as well as some proposed amendments. **EXHIBIT (bus47a10)**

JACK WELLS, SENATOR FROM BOZEMAN, said he supports the bill.

Dr. George Olson, Montana State Dental Board, handed in his written testimony and other exhibits to support his testimony. **EXHIBIT (bus47a11)**

Lewis Smith, Board of Dentistry, handed in his written testimony as well as exhibits to support his testimony. **EXHIBIT (bus47a12)**

Sheldon Ivers, Board of Dentistry, said he supports this bill.

Opponents' Testimony:

Lee Wiser, Representing himself, said he is not an opponent to the bill, but he is opposed to the amendments.

Jonathan Mott, Representing himself, said he is not opposed to the bill, but is opposed to the amendment proposed by Dr. Olson.

Questions from Committee Members and Responses:

SENATOR BUTCHER asked about the education necessary to become a denturist.

Lee Wiser said the education has become more stringent over the past 16 years.

SENATOR COCCHIARELLA asked about the presiding officers in hearings.

Steve Meloy said it was really an oversight, but he had some proposed amendments to take care of the oversight. **EXHIBIT (bus47a13)**

SENATOR ROUSH asked for an analysis of the amendments proposed by the Board of Realtors.

Steve Meloy said they involve administrative processes and that it is an attempt to micro manage this situation. He said it should be left up to the division and the Governor.

Closing by Sponsor:

{Tape : 3; Side : A; Approx. Time Counter : 7.7}

REPRESENTATIVE JOE MCKENNY, HD 49, GREAT FALLS, said this is an important bill and it was meant to be a housekeeping bill.

EXECUTIVE ACTION ON HB 234

Motion/Vote: SEN. SPRAGUE moved that HB 234 BE CONCURRED IN. Motion carried unanimously.

EXECUTIVE ACTION ON HB 138

Motion/Vote: SEN. ROUSH moved that **HB 138 BE CONCURRED IN. Motion carried unanimously.**

ADJOURNMENT

Adjournment: 10:00 A.M.

SEN. MIKE TAYLOR, Chairman

KYANNE KELLY, Secretary

MT/KK

EXHIBIT (bus47aad)